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A-9837E
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Lars Ivar SAMUELSON et al.

Appln. No.: 10/613,071

Group Art Unit: 2811

Filed: July 7, 2003

Examiner: J. Jackson

For: NANOSTRUCTURES AND METHODS FOR MANUFACTURING
THE SAME

* * *

RESPONSECommissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on March 8,
2005, Applicants offer the following remarks.

Remarks begin on page 2 of this paper.

Lee
Only

It is recognized that the claim for benefit of the '835 application does not negate the availability of the Bjork et al. article as a reference under 35 U.S.C. § 102(a).

Accordingly, submitted herewith is a Declaration of Lars Ivar Samuelson and Bjorn Jonas Ohlsson, the named inventors of the instant application, under 37 C.F.R. § 1.132. The Declaration is effective to disqualify the Bjork et al. article as a reference under 35 U.S.C. § 102(a). See M.P.E.P. § 715.01(c). Additionally, for the sake of expedience, the Declaration also addresses the article entitled "One-dimensional heterostructures in semiconductor nanowhiskers", *Applied Physics Letters*, Vol. 80, No. 6, February 11, 2002, pp. 1058-1060, also by Bjork et al. and of record (but not applied).

In view of Applicants' claim for benefit of the '835 provisional application, and the accompanying Declaration, it is respectfully requested that the outstanding rejections be withdrawn.

An early Notice of Allowance is respectfully solicited.

* The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this

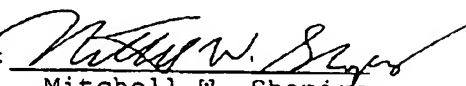
paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

MWS:sjk

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By:



Mitchell W. Shapiro
Reg. No. 31,568

September 8, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response and the Declaration referenced therein are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

September 8, 2005
Date


Mitchell W. Shapiro